

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Telephone Number Portability

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CC Docket No. 95-116

To the Commission:

Comments of

TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.

Brazos Telecommunications, Inc.
Brazos Telephone Cooperative, Inc.
Cameron Telephone Company
Cap Rock Telephone Cooperative, Inc.
Central Texas Telephone Cooperative, Inc.
Coleman County Telephone Cooperative, Inc.
Colorado Valley Telephone Cooperative, Inc.
Comanche County Telephone Company, Inc.
Community Telephone Company, Inc.
Cumby Telephone Cooperative, Inc.
Dell Telephone Cooperative, Inc.
E.N.M.R. Telephone Cooperative, Inc.
Eastex Telephone Cooperative, Inc.
Electra Telephone Company
Etex Telephone Cooperative, Inc.
Five Area Telephone Cooperative, Inc.
Ganado Telephone Company, Inc.
La Ward Telephone Exchange, Inc.
Lake Livingston Telephone Company
Lipan Telephone Company
Livingston Telephone Company
Mid-Plains Rural Telephone Cooperative, Inc.
Nortex Communications, Inc.
North Texas Telephone Company
Panhandle Telephone Cooperative, Inc.
Peoples Telephone Cooperative, Inc.
Poka Lambro Telephone Cooperative, Inc.
Riviera Telephone Company, Inc.
Santa Rosa Telephone Cooperative, Inc.
South Plains Telephone Cooperative, Inc.
Tatum Telephone Company
Taylor Telephone Cooperative, Inc.
Wes-Tex Telephone Cooperative, Inc.
West Plains Telecommunications, Inc.
West Texas Rural Tel. Cooperative, Inc.
XIT Rural Telephone Cooperative, Inc.

Introduction

Texas Statewide Telephone Cooperative, Inc. (“TSTCI”) is an association representing twenty (20) telephone cooperatives and sixteen (16) commercial companies who provide local exchange service in the State of Texas and are within the jurisdiction of the Public Utility Commission of Texas. TSTCI members are rural in accordance with the definition in the Telecommunications Act of 1996. A list of TSTCI member companies represented is on the cover sheet of this filing.

TSTCI submits these comments in response to the Commission’s *Second Further Notice of Proposed Rulemaking* (FNPRM) in CC Docket No 95-116, released on September 16, 2004, regarding reducing the time interval for intermodal porting (porting between wireline and wireless carriers).

On November 10, 2003, the Commission asked the North American Numbering Counsel (NANC) to consider the implications of reducing the interval of time required to port telephone numbers between wireline and wireless service providers.

On May 3, 2004, NANC filed its “Report and Recommendation on Intermodal Porting Intervals” (Report) in response to the Commission’s request. NANC proposed requiring use of a mechanized method that would reduce the intermodal porting interval by almost 45 percent, from 96 hours to 53 hours¹, assuming a 24-hour business day. The majority of TSTCI member companies process number portability requests manually during *normal business hours*, which are usually 8:00 a.m. to 5:00 p.m., excluding weekends and holidays. TSTCI member companies, unlike larger carriers, do not have staff resources available 24 hours a day to process porting requests. TSTCI believes that a shorter 53-hour porting interval has not been justified and will burden the small companies. In its Report, NANC itself recognizes the burden a shorter porting interval will place on rural companies. On Page 25 of the Report, NANC states:

In order to support a shorter porting interval, service providers will need to change internal operating software, business practices, and implement mechanized systems and automated interfaces with other carriers.

The Commission should recognize that this may cause economic impacts on rural telephone companies that may not be justified considering the size of the customer by customer density, or availability of alternate service providers and that rural telephone companies may seek a waiver from LNP and or shorter porting intervals under the existing rules and regulations.

NANC Proposal to Reduce Intermodal Porting Interval

Number porting occurs in two stages: *Confirmation Interval* and *Activation Interval*. NANC proposes changes to both stages of the porting process in order to reduce the current intermodal porting interval to 53 hours for simple ports.

¹ FCC CC Docket No. 95-116, In the Matter of Telephone Number Portability at para. 38, the FCC recommends a 96 hour (four (4)-business days) time period to complete a port request. The May 3, 2004, NANC Report on the Intermodal Porting Interval references a 53 hour time period to complete a port request. Based on 24-hour business day, the NANC’s recommendation reduces the porting time interval by almost 50% to 2.2 business days; however, the NANC 53-hour proposal seems to be based on a 12-hour business day.

Confirmation Interval: During the Confirmation Interval, the old and new service providers exchange port request information through a Local Service Request (LSR), and a Firm Order Confirmation (FOC) time frame is provided once a valid request has been received. Under the NANC proposal, the current Confirmation Interval of 24 hours will be reduced by 80% to five hours, assuming the process is fully mechanized (non-fax), and no errors exist on the LSR. Today the TSTCI rural companies receive port requests via fax and do not use mechanized systems to process port requests similar to the larger companies. However, the TSTCI companies have their own internal processes to verify port requests upon receipt and provide timely information to the porting-in carrier.

Considering the fairly small number of intermodal porting requests rural companies received since November 2003², TSTCI believes the expense to implement a mechanized system is clearly not justified. Many small companies have not received any porting requests; however, they went to the expense of upgrading switches and making appropriate changes within their business office and back-office procedures to accommodate intermodal porting. The TSTCI companies respectfully request that the Commission refrain from requiring small companies to implement a mechanized system when requests to port are minimal and, in many cases, nonexistent.³

Activation Interval: Activation Interval starts after the Confirmation Interval and is the time period during which system updates are done and the port is completed. Under the NANC proposal, the current Activation Interval of 72 hours will be reduced by 33% to 48 hours, assuming the process is fully mechanized. In addition, during the Activation Interval, the old service provider should remove the ported out number from its directory listings (or directory assistance). Because the rural companies contract with a third party to handle directory assistance, it may not be possible to complete this process in a shorter time period as proposed by NANC.

Under the NANC proposal, the old service provider is also required to set ten-digit triggers 24 hours before 12:01 a.m. of the confirmed port completion date. This shortened time frame requires central office technicians to program the switch for the ten-digit triggers shortly after the rural carrier receives the LSR, which may not be practical. TSTCI believes the NANC recommendation does not take into consideration the limited staff resources of rural companies.

Conclusion

TSTCI respectfully requests that small, rural carriers be exempted from any requirement to provide a shorter porting interval than the current 96-hour porting interval. TSTCI believes the current 96-hour (four business days) standard for intermodal porting of simple ports is reasonable and should be retained. A reduced intermodal porting interval, along with the requirement to implement a mechanized process, would impose significant costs to rural carriers without any demonstrated need or demand for shorter intervals on the part of consumers. TSTCI

² Since May 2003, 19 of the 36 TSTCI member companies reported that they have ported 33 lines, an average of less than two ports per company.

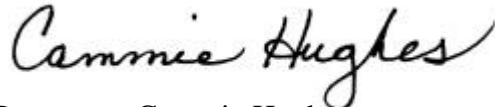
³ If required to implement a mechanized system, small rural carriers would probably use a third-party provider. Based on discussions with third-party providers, we estimate the costs to be approximately \$1,000-\$1,200 per month. This expense seems unreasonable with the small number of port requests.

requests that the Commission allow the rural companies the opportunity to manage the process accordingly and determine when there is a business need to implement a mechanized process. In addition, TSTCI believes the NANC guidelines are not realistic based on the small number of port requests received by a rural company in comparison to the cost of implementing a mechanized process. As long as the rural companies work with the porting-in carriers within the existing porting time frames, the Commission should refrain from imposing more stringent and costly standards.

TSTCI appreciates this opportunity to provide comments and to express the concerns of rural Texas ILECs.

Respectfully submitted,

Texas Statewide Telephone Cooperative, Inc.

A handwritten signature in black ink that reads "Cammie Hughes". The signature is written in a cursive, flowing style.

By: Cammie Hughes
Authorized Representative